Fulbright on Our Secret Air War in Cambodia, P. 2

Why The Other Side Is Dubious Of Nixon's "Free Election" Offer

We're for free elections but we insist these elections must take place under the aegis of Thieu and Ky. In Southeast Asia they have learned through bitter experience that those under whom an election is held win the election.

—Former Secretary of Defense Clark Clifford, the first major political figure to attack the Nixon "peace plan," in an address few papers covered before the Woman's National Democratic Club Oct. 13 in Washington. Clifford called Vietnamization "a plan for perpetual war," and urged the Democrats to back total withdrawal by a fixed date.

I. F. Stone's Bi-Weekly

VOL. XVIII, No. 20 NOVEMBER 2, 1970 WASHINGTON, D. C. 20 CENTS

Strange Lessons For The Young At Kent State

Kent, Ohio

Kent is indistinguishable from hundreds of small towns between the Appalachians and the Rockies. The chief feature of the dreary urban landscape are the filling stations, America's No. 1 offense against nature. The one modernistic building on Main Street is a dark brown two-story hulk of a city hall whose forbidding windowless facade makes it look like a fortress jail. The only pathetic touch of antiquity is the red brick, virtually forgotten, railroad station, a relic of the 1890s; the one reminder on Main Street of the troublesome present is a hippie dress shop, the Concrete Flamingo, its pastel facade a bright orange and yellow. There is a peace symbol on the door. The population is 26,000 and its sole link with the wicked world of the Eastern press establishment, where loyal Americans may be led astray, is the drug store at Main and Water streets, which gets 10 copies of the *New York Times* a day and three *Wall Street Journals.*

Where The Revolt Began

On the outskirts, spread across low rolling hills, is Kent State University, its modern buildings and green sloping lawns a pleasant contrast to the down-at-the-heels town. Here the campus revolt against the Cambodian invasion began last May, forcing Nixon to withdraw. Here a new national battle has begun with a special Ohio Grand Jury report which, as expected, absolved the National Guard and the Ohio authorities for the killing of four students and the wounding of nine others in that anti-war confrontation. The Grand Jury instead indicted 25 persons linked with the demonstration.

Kent State University in its catalogue describes itself as "a dynamic institution of growing eminence." The grand jury pictures Kent State as a hotbed of radicalism, anarchy and permissiveness. Some of the faculty, if the grand jury is to be believed, even "devote their entire class periods" to urging their students "openly to oppose" the government "to the point where one student who dared to defend the American flag was ridiculed by the professor before his classmates." The informer who brought in that tid-bit must have been breathless.

Kent State is neither that dynamic nor that radical. It draws 85% of its student body from Ohio's high schools without admission tests. Ohio's expenditures per capita on education are among the lowest in the nation and not much above Mississippi's. The cultural level is low. One young newspaper correspondent who has spent much of his time on the campus "rapping" with students since last May told me he had never met a Kent State student excited about a book. One faculty member described the student body as "the insurance salesmen of tomorrow."

Any outside agitator drawn to Kent State by the glowing description in the grand jury report will be disappointed. This is a campus where you meet activists who never heard of *The Nation* or read the *New Republic* and students who think themselves avant garde because they read *Time* and *Newsweek.* "Most students," said the Scranton commission report of the period before the May events, "were either conservative or apolitical." * A substantial portion still are. One girl activist described her dormitory mates to me as chiefly interested in the weekly "happy hour" each Friday afternoon when the town's dingy beer joints charge ten cents less per glass. To judge from despairing comment, the chief menace on campus is not radicalism but indifference.

A more realistic and charitable view is that the war, the campus shootings and the one-sided grand jury report have succeeded in radicalizing a very substantial portion of the student body on one of the most politically backward campuses in the country. The surprise is not that there is still apathy and indifference. The surprise is that there is so much militancy, so

No Contract Ever Terminated

Skepticism expressed by many minority group members about the genuineness of recent Federal pronouncements on equal employment opportunity is, at least in part, a legacy of the history of discrimination by the Federal Government itself . . . There is a 29-year history of ineffective efforts to require Federal contractors to be nondiscriminatory in their employment practices. Lack of success of Executive Order 11246, the most recent of operative Executive Orders on the subject, is directly related to inadequate executive leadership provided by the Office of Federal Contract Compliance (OFCC), which is charged with responsibility for coordinating and overseeing the entire Federal contract compliance program . . . No contract has ever been terminated nor any company debarred for Executive Order violation. Rarely have any hearings been held concerning noncompliance.

—U.S. Commission on Civil Rights 1970 Report.

*** The Scranton report said there were six organizations on campus "considered by some to be radical. Almost all were comparatively small, ranging down to the Young Socialist Alliance with only 8 to 12 members." There are 21,000 students at Kent State. The most prominent was SDS which organized in the spring of 1968. "In the beginning it drew poor support, with less than 10 persons attending most of its meetings. By autumn, however, attendance grew to about 50 or 60 per meeting." It was banned in the spring of 1969 after a sit-in for which its brightest young leader is serving 3 years in an Ohio maximum security prison. This is harsh repression on a campus the grand jury calls permissive.**

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much questioning, on a campus which draws its student body from the typical small towns of a typical Midwestern state, from middle grade students with middle grade records too poor to enable them to enter universities of more fame and quality. The students who have been running the protest meetings and writing the angry editorials in the *Kent Stater*, the campus newspaper, are average Americans, neither geniuses nor freaks. The editor of the *Kent Stater*, the militant student daily, is a Public Relations major. One of the leading activists is in the business school, and when I asked him what course had particularly moved him, he told me he had been "turned on" by his professor of marketing!

I spoke with as many students as I could in a two day visit. By the time I left I had a real feeling of respect and affection for the youngsters I had met and I understood how rewarding they could seem to their best teachers. I had the privilege of talking with a sociology class run by Professor Thomas S. Lough, the only faculty member so far indicted by the grand jury, a man I had known when he worked for the Arms Control and Disarmament Agency in Washington. He is popular with the students because he is in sympathy with the best of them. Among those in the class were veterans of the Vietnam war radicalized by their experience and frustrated by their parents' unwillingness to listen to them.

A Non-Violent Leader Indicted

Perhaps the most provoking passage in the grand jury report was its conclusion that "all the conditions that led to the May tragedy still exist," that an "apathetic university community" has allowed "a vocal minority to seize control of the campus" and that this will continue until such time as the faculty and the students "take a strong stand against the radical element bent on violence." This "radical element bent on violence" is a figment of the Grand Jury's imagination. The day the Grand Jury report came down the Yippies held a meeting of protest. The keynote as enunciated by Jerry Persky, their leader, was "let's make Kent State into a school of peace." Non-violence is the common theme of campus organizations. The school year opened this fall with a "Think Week" organized around workshops devoted to non-violent protest. Craig Morgan, an ROTC cadet, was elected student president last June on a platform of non-violence with the slogan, "Power to the Peaceful," emphasizing political change through the ballot box and lobbying. His reward is an indictment under a statute tailor-made for repression. This statute provides a $1,000 fine or one year in jail or both for "second degree rioting." This is defined as participating with four or more other persons in "tumultuous conduct" with intent to do "a lawful act with unlawful force." Until a bill of particulars is made public no one knows just what Morgan is accused of having done. But the grand jury couldn't have made a more inflammatory gesture than indicting the one student leader who has done most to organize the campus against violence.

It is important to build a national movement on and off the campuses to see that those indicted are not railroaded to prison by the same crass political processes which created this one-sided special grand jury, and to demand that a Federal grand jury be convened to deal with the May 4 shootings. No country in a time of growing crisis ever saw a sillier, more meretricious campaign than Nixon and the Republicans are running against sin, smut and students. The Ohio special grand jury fits the political strategy of Ohio's Governor Rhodes and of Nixon. Even Agnew (as so many people have forgotten) on the David Frost show in Los Angeles last May 7, three days after the shooting, said of the Ohio National Guard, "I don't condone their action," and called it murder "but not first degree."

The grand jury report flies in the face of the Scranton Commission report, of the FBI findings on which it was in large part based, and of the earlier 8-page special report into the tragedy which John S. Knight's Akron, Ohio, *Beacon-Journal*

Fueling Another Little Arms Race

"In announcing that we are once again providing lethal weapons to Pakistan, it could be only a matter of time before recent history repeats itself . . . Since Pakistan regards India as its prime enemy, these new weapons, particularly the planes, will appear threatening to Delhi. In turn, India will no doubt seek new sophisticated surface-to-air missiles for defense of its forward cities, stock up on SU-7 bombers, and perhaps add more Mig jet fighters to offset the New Pakistani Starfighters. The arms race on the subcontinent will accelerate, increasing the risk of a fourth Indo-Pakistan war. The new American arms sale to Pakistan is a major policy change from the autumn of 1965 when the President stopped arms shipments to both countries. It now appears that our arms bureaucracy has finally prevailed on this administration to start plying Pakistan again with American weapons. Unfortunately, this will not win over the military elite in Rawalpindi. Instead, it will inject an unsettling influence, stimulating another arms race between two impoverished countries, neither of which being able to afford it."

—Sen. Church, Cong. Rec. October 14, abridged.

Only Congress and the U.S. Public Kept In Ignorance Of Our Secret Air War In Cambodia

"At a press conference on May 8, in commenting on the plan for withdrawal of American forces from Cambodia, the President said that he expected the South Vietnamese forces would come out at the same time our forces did because 'when we come out our logistical support and air support will also come out with them.' On June 3 the President backed away from this commitment and said that after July 1 there will be US air missions in Cambodia . . .

"Following press reports that American fighter-bombers were flying support missions for Cambodian troops as far as 100 miles from the South Vietnamese border, I wrote to the Secretary of Defense on June 23 to obtain information for the Committee on the restrictions applicable to US air operations in Cambodia. On July 16 the committee received a top secret letter from Dennis J. Doolin, Deputy Asst. Sec'y. of Defense for International Security Affairs, which did not provide any specific details on the nature and extent of those operations, as had been requested. I, therefore, repeated the committee's request in a letter dated July 30.

"After waiting nearly 2 months more, while reports appeared daily of US air operations in support of Cambodian forces, Mr. Doolin finally replied, stating that he was 'unable to respond to your request for the specific details . . . inasmuch as this would involve a discussion of disclosure of specific Rules of Engagement and operating rules relating to the actual conduct of the war.'

"It appears that the executive branch learned little, if anything, from the experience of trying to fight a secret war in Laos. It has now switched the secrecy to Cambodia. The enemy forces know where and to what extent US planes are conducting air operations in Cambodia. The Cambodians and the South Vietnamese know the extent of the air support their ground forces receive from our planes. But Congress . . . is denied the same information—information essential to appraising the course of the war in Southeast Asia and our current policy. It shows quite clearly how far the pendulum of power has swung to the executive branch."

—Sen. Fulbright, Cong. Rec. Oct. 14, abridged.

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published last May 24 and for which it richly deserves a Pulitzer Prize. The FBI reports confirmed the *Beacon-Journal* findings. A memorandum based on the FBI findings and signed by Jerris Leonard, chief of the civil rights division at Justice, listed the names, ranks and addresses of six National Guardsmen and suggested that they could be criminally prosecuted under Ohio law.

Fabrication By National Guardsmen

Now a new revelation underscores the need for Federal grand jury action. On Oct. 23 the *Beacon-Journal*, to its credit, was the first paper in the country to call attention to a speech Senator Young of Ohio had made in the Senate 10 days earlier but which had gone unreported. Young is the only Senator who has spoken up in defense of the students. Theirs —like so many other unpopular causes—will lose a courageous champion when he retires because of age (he is 81) at the end of this year. Reading from a Justice Department summary of the FBI findings, Young quoted this sensational passage to the Senate—

> **Most of the National Guardsmen who did fire their weapons do not specifically claim that they fired because their lives were in danger. Rather, they generally state in their narrative that they fired after they heard others fire. WE HAVE REASON TO BELIEVE THAT THE CLAIM BY THE NATIONAL GUARD THAT THEIR LIVES WERE ENDANGERED BY THE STUDENTS WAS FABRICATED SUBSEQUENT TO THE EVENT. [Emphasis added].**

Senator Young, reading from the same Justice Department summary, added that "One guardsmen admitted that his life was not in danger and that he fired indiscriminately into the crowd" and "further stated that the guardsmen had gotten together after the shooting and decided to fabricate the story that they were in danger of serious bodily harm or death from the students."

Senator Young also told the Senate that day—

> **One hundred FBI agents reported that of the four students killed and nine seriously wounded by National Guardsmen's bullets not one participated in any disorder in Kent or in the burning of the ROTC building on the commons of the university at any time during the preceding Friday, Saturday and Sunday nights.**

The day after the *Beacon-Journal* called attention to Young's speech it ran an interview with Seabury Ford, the 68-year-old chairman of the Republican Party in Portage County, who was one of three special prosecutors named by Governor Rhodes to handle the special Grand Jury which dealt with the campus shootings. He disclosed the spirit in which the grand jury was directed when he said the National Guard "should have shot all the troublemakers." With a judicious remark like that, who needs outside agitators to cause trouble on campus? The inflammatory reverberations on campus were intensified by the news that the State Board of Regents had named Ford to sit as "referee" at Kent State to try campus cases under the newly enacted and savagely repressive Ohio law "to control campus disorders, and to provide for the immediate suspension or dismissal of students and faculty, under certain circumstances." Ford promises to be the biggest time-bomb ever planted on any college campus.

The first effect of Ford's vigilante-type statement was to lead a respected conservative member of the faculty, Glenn W.

Strange Choice For The UN

Unless Nixon makes a recess appointment while the Senate is out of session, the United States will be spared the ignominy of being represented at the 25th anniversary session of the United Nations by Gordon H. Scherer, a former Republican Congressman from Cincinnati, who has distinguished himself over the years by smearing as soft on communism just about every leading American supporter of the UN from Adlai Stevenson to Fulbright. Thanks to the vigilance of Ohio's Senator Young, Scherer was missing from the U.S. delegation of 10 named by Nixon when the General Assembly convened. The White House tried to get Scherer confirmed by sending the nominations up so late that there was almost no time for consideration. The names went to the Senate on Sept. 11, a Friday, though the Senate had to act by Monday if the delegation was to be present when the Assembly met on Sept. 15, a Tuesday. Fortunately Young saw Scherer's name and sent the Foreign Relations Committee a letter objecting to the confirmation and demanding that he be allowed to testify against the appointment. Scherer was long a member of the House Un-American Activities Committee, a bush league McCarthy who praised the way-out Major General Walker in one speech on the floor of the House and in another attacked "The hard core of the Communist conspiracy, the ADA, the Communist-dominated Emergency Civil Liberties Committee and the Washington Post." Young's three-page summary of Scherer's record led the Foreign Relations Committee to hold up the Scherer appointment. It is hard to imagine a more unfit choice for the UN, and it will be worth watching to see if the White House now makes a recess appointment. This would allow Scherer to serve for 40 days after the Senate reconvenes or well past the adjournment date of the UN General Assembly.

The Agony Of The Blacks In Southern Africa Finds Eloquent Expression At The UN

A man can change his religion if he wishes; he can accept a different political belief—or in both cases give the appearance of doing so—if this would relieve him of intolerable circumstances. But no man can change his colour or his race. And if he suffers because of it, he must either become less than a man, or he must fight. And for good or evil, mankind has been so created that many will refuse to acquiesce in their own degradation; they will destroy peace rather than suffer under it.

That is the position in southern Africa now. The apartheid policy of South Africa—now being imposed also in Namibia—and the colonial oppression of Portugal in Mozambique, Angola, and Guinea (Bissau), have goaded the people to desperation.

No one can say that the people of these territories did not try to secure change—even some movement towards justice—by peaceful means. They tried political organization, trade union organization, and tribal welfare organization. They tried petitioning to their rulers, and to international organizations; they tried peaceful public rallies; they tried the publicizing of their wrongs through the press of the world. Indeed, perhaps they tried too long, and thus enabled the forces of oppression to strengthen themselves too much, before they finally recognized the situation for what it was . . .

As far as the peoples of southern Africa are concerned, therefore, the choice is now clear. They can acquiesce in their own humiliation and accept their position as third class subjects of an alien ruling Power, or they can fight for their own manhood. They are now making that choice. And they are doing it for themselves. They are choosing future life at the cost of physical death and suffering for many. What free nation or what free people, dares to tell the masses of South Africa, of Rhodesia, or Namibia, and of the Portuguese colonies, that they are wrong? Who is it that can tell these people that they should acquiesce in the daily humiliation of themselves and their children?

—President Nyerere of Tanzania at the UN, Oct. 15.

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A Geology Professor Revolts Against Judicial Gag Rule

Frank, a Professor of Geology, to issue a blistering attack on Ford. Professor Frank also challenged Common Pleas Judge Edwin Jones to arrest him for contempt. Judge Jones has matched Prosecutor Ford in giving the campus peculiar lessons in Americanism. Judge Ford presided over the special grand jury and when he released its findings he did so with an order forbidding any witness before it to comment in any way on the jury's public presentment. Normally grand jury proceedings are secret but it is not normal for a Judge to forbid comment on a grand jury presentment, especially when it is as highly controversial and damaging as this one. In effect Judge Jones took it on himself to suspend First Amendment rights. He made himself ludicrous as well as dictatorial when he majestically amended the gag rule to allow Kent State President White (who was severely criticized in it) to "comment in general" on the grand jury report but to "refrain from any critical comment!" This allowed the grand jury to defame Dr. White while denying him, under pain of sentence for contempt, the right to defend himself and the University by answering its criticism. This is constitutional government, as taught the youngsters in the State of Ohio!

Deliberate And Deserved Contempt

Professor Frank, as a witness before the grand jury, is subject to Judge Jones's order but Prosecutor Ford's bloodthirsty comment was too much for him. On October 25 he issued a statement in which he said he had spent 17 years "teaching college students geology, a lust for life, and a respect for our laws and system. I speak now," he went on, "in contempt of court, in contempt of the naive and stupid conclusions of the Special Grand Jury, specifically as to their reasons for the May 4 disturbances, in contempt of Judge Jones for the gag rules placed on President White and in personal contempt for lawyer Ford for his lack of understanding after 68 years of what I believe is a wasted life."

Professor Frank said, "There is no middle way any more. Ford is a trouble maker. It is my feeling that the Republican party must smash the student uprising in order to stay in power. Ford has made his statement in order to convince people who do not know the facts that he is a law and order man and will crack down on anyone who disagrees with the system he represents."

Mini-Mutiny In The Marine Corps

Gen. Chapman, Commandant of the Marine Corps, is reported as saying in Boston that "they (opponents of the Vietnam war) oppose our efforts only because they are in accord with the principles of the enemy." Gen. Chapman made his statement as an active duty military officer. As active duty military officers we wish to dissent. Gen. Chapman indiscriminately attacks millions of loyal Americans, including United States Senators, Congressmen, businessmen and students, as being "in accord with the principles of the enemy." Gen. Chapman has therefore also questioned the loyalty of Gen. Shoup, former Commandant of the Marine Corps, who said, "I want to tell you, I don't think the whole of Southeast Asia, as related to the present and future safety and freedom of the people of this country, is worth the life or limb of a single American." Gen Chapman's rhetoric, impugning the patriotism of millions of Americans, is divisive.

—2d Lt. Jerry M. Groseclos, 1st Lt. David L. Jensen, 2d Lt. George A. Groneman, 2d Lt. Cecil W. Ebell, 2d Lt. Darrold T. Guinn, all of The Marine Corps, in a letter to the Washington Post, *Oct. 20.*

"I am a law and order man," Professor Frank continued. "I think anyone guilty of riot charges should be prosecuted. I was between the ROTC building and the rioting individuals on May 2 and I know that some people deserve to be prosecuted. However," he went on, "this should not allow a judge, a jury or a prosecutor to make what I consider to be a farce out of justice for their own gain or to gain favor with the voters. Freedom of speech is bigger than Judge Jones. I defy Judge Jones to arrest me for contempt of court because I cannot see a system I believe in and respect subverted by this man."

Professor Frank ended by recounting, "I was told by a young black student that we did have a great system but that man corrupts it. I agree with this student and I understand better now what he meant. I cannot live with a conscience that permits people to say they 'should have shot all trouble-makers.' I am hoping something will happen. I love Kent State and I love the students in it. I can't see this happening." We urge every campus in the country to circulate and support this brave challenge. *Oct. 26*

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4420 29th St., N. W.

Washington, D. C. 20008

Second class postage paid at Washington, D. C.

I. F. Stone's Bi-Weekly, 2d Class Postage Paid at Washington, D.C. Published every other Monday except in August at 4420 29th St., N.W., Washington, D.C. An independent bi-weekly published and edited by I. F. Stone; Circulation Manager, Esther M. Stone. Subscription: $5 in the U.S.; $6 in Canada; $10 elsewhere. Air Mail rates: $17 to Europe; $20 to Israel, Asia and Africa.

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